

IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT
OF TEXAS HOUSTON DIVISION

COAST TO COAST TITLE, LLC, SOL §
CITY TITLE, LLC, MAGNOLIA §
TITLE ARKANSAS, LLC, MAGNOLIA §
TITLE FLORIDA, LLC, THE §
PEABODY BULLDOG LLC, AND §
JOHN MAGNESS §

Plaintiffs §

V. §

CIVIL ACTION NO.: 4:24-cv-02767

TYRRELL L. GARTH, PHILLIP H. §
CLAYTON, DEBBIE MERRITT A/K/A §
DEBORAH MERRITT, MATTHEW D. §
HILL, CHARLES BURNS, P. §
GARRETT CLAYTON, SCOTT M. §
REEVES, ARIANE E. YOUNG, §
TINGLEMERRETT, LLP, STARREX §
TITLE FLORIDA, LLC, LAURIE §
COOPER, MARKETSTREET §
CAPITAL PARTNERS AR, LLC; §
MARKETSTREET CAPITAL §
PARTNERS, LLC AND BRIAN A. §
BREWER §

Plaintiffs. §

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE SUR-REPLY

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiffs Coast to Coast Title, LLC, Sol City Title, LLC, Magnolia Title Arkansas, LLC, Magnolia Title Florida, LLC, The Peabody Bulldog LLC, and John Magness (collectively, "Plaintiffs") file this, their Unopposed Motion for Leave to File Sur-Reply and would respectfully show the Court as follows:

Plaintiffs respectfully submit this unopposed motion to file a sur-reply in response to Defendants Tyrrell L. Garth (“Garth”) and Phillip H. Clayton’s (“Clayton,” and with “Garth,” collectively “Defendants” herein) Motion to Dismiss Amended Complaint (Dkt. 37) and any subsequent related filings.

Defendants indicated on February 3, 2025, that they intended to file a Motion for Leave to File Amended Exhibits B-E and asked for a conference with Plaintiffs’ counsel. In conferences amongst counsel that took place today, Plaintiffs’ counsel agreed not to oppose Defendants’ Motion for Leave while reserving all rights in exchange for Defendants’ counsel agreeing not to oppose Plaintiffs’ Motion for Leave to File Sur-Reply that adheres to a traditional scope and is filed no later than 14 days after Plaintiffs filed their amended exhibits. Each respective counsel did not oppose the filing of each Motion for Leave but otherwise reserved all rights. Defendants’ counsel also noted that if the Sur-Reply raised any new arguments, Defendants would reserve their rights to respond to it.

The anticipated Sur-Reply will address arguments made in Defendants’ reply brief, as well as the new evidentiary materials to be submitted by Defendants in a supplemental appendix to that brief pursuant to their anticipated Motion for Leave.

CERTIFICATE OF CONFERENCE

Plaintiffs’ counsel has conferred with counsel for Defendants Garth and Clayton, and such Defendants do not oppose this motion.

REQUEST FOR RELIEF

Accordingly, Plaintiffs respectfully request leave to file their Sur-Reply on or before April 17, 2025, or no later than 14 days after Defendants submit their amended exhibits.

Dated: February 3, 2025

Respectfully submitted,

HENDERSHOT COWART P.C.

By: /s/ Simon W. Hendershot, III
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing *Plaintiffs' Unopposed Motion for Leave to File Sur-Reply* was served on February 3, 2025, on all counsel of record.

/s/Philip Racusin
Philip Racusin